

May 4, 2021

BY ECF

Hon. Cathy Seibel
The Hon. Charles L. Brieant Jr. Federal
Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Hon. Louis L. Stanton
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *The Wave Studio, LLC v. General Hotel Mgmt. Ltd., et al.*, Case No. 7:13-cv-09239 (CS)
The Wave Studio, LLC v. Booking Holdings Inc., et al., Case No. 1:21-cv-02691 (LLS)

Dear Judge Seibel and Judge Stanton:

This firm is counsel to The Wave Studio, LLC (“Wave”), the plaintiff in both of the above-referenced actions. We write this letter concerning the concurrently-filed Stipulation wherein counsel in the newly filed case captioned, *The Wave Studio, LLC v. Booking Holdings Inc., et al.*, Case No. 1:21-cv-02691 (the “Booking Holdings Action”) stipulates and agrees to: (1) consolidate the Booking Holdings Action, currently pending before Judge Stanton, with *The Wave Studio, LLC v. General Hotel Management Ltd., et al.*, Case No. 7:13-cv-09239 (the “GHM Action”), which is pending before Judge Seibel; (2) stay the Booking Holdings Action pending the resolution of certain claims before the Singapore court (the “Singapore Proceedings”) concerning the ownership of the copyrights at issue in the Booking Holdings Action and GHM Action; and (3) if the Booking Holdings Action is (a) consolidated with the GHM Action and stayed pending the resolution of the Singapore Proceedings, or (b) not consolidated with the GHM Action but stayed pending the resolution of the Singapore Proceedings, extend the response deadlines for the defendants in the Booking Holdings Action to sixty (60) days after the stay is lifted or as otherwise set by the Court in the GHM Action; in the alternative, if the Booking Holdings Action is (c) not consolidated with the GHM Action and is not stayed pending the resolution of the Singapore Proceedings, extend the response deadlines for the defendants in the Booking Holdings Action up to and including June 25, 2021.

By way of background, on December 31, 2013, Wave filed the GHM Action that alleges claims for copyright infringement. On July 3, 2014, Judge Seibel stayed that action as to all other

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Judge Cathy Seibel
Judge Louis L. Stanton
May 4, 2021
Page 2

defendants except for GHM, *see* ECF No. 67,¹ and on March 10, 2017, dismissed the claims against GHM on *forum non conveniens* grounds in favor of the Singapore Proceedings. In connection therewith, Judge Seibel continued the stay of Wave's claims against all other defendants and those defendants' cross-claims against GHM pending the resolution of the Singapore Proceedings. *See* ECF No. 209.²

On March 29, 2021, Wave filed the Booking Holdings Action. Due to Wave having changed its local address from White Plains to Manhattan, as per the local rules, Wave indicated on its Civil Cover Sheet that the Booking Holdings Action should initially be assigned to Manhattan rather than White Plains, but also filed a Related Case Statement to alert the Court that the GHM Action was pending in White Plains. *See* ECF Nos. 3, 21 in Case No. 21-cv-2691. When someone from our office contacted the Clerk's Office to ask if the Booking Holdings Action would be marked as related to and/or consolidated with the GHM Action, the Clerk's Office advised that the Booking Holdings Action would not be consolidated with the GHM Action because the GHM Action appears in the Clerk's records as a "closed" case. As a result, the GHM Action was assigned to Judge Stanton.

Because the Singapore Proceedings have not yet been resolved, counsel in the Booking Holdings Action respectfully request that the Booking Holdings Action be consolidated with the GHM Action and stayed until the resolution of the Singapore Proceedings. We thank the Court for its attention to this matter.

Respectfully submitted,

s/Brett D. Katz

Brett D. Katz

¹ Unless otherwise noted, all references to "ECF Nos." are to documents electronically filed in the GHM Action, Case No. 7:13-cv-09239.

² In addition to the GHM Action, Wave filed additional actions that allege claims for copyright infringement that concern the same copyrighted works and copyright registrations that are at issue in the GHM Action. Each additional action has been deemed a member or related case to the GHM Action, and is stayed pending the resolution of the Singapore Proceedings. *See* Case Nos. 14-cv-08322, 15-cv-03420, 15-cv-04953, 15-cv-05392, 15-cv-05960, 15-cv-05962, 15-cv-06995, 15-cv-07950, and 17-cv-03589.

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Judge Cathy Seibel
Judge Louis L. Stanton
May 4, 2021
Page 3

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cc: All counsel of record (via ECF)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE WAVE STUDIO, LLC,

Plaintiff,

v.

BOOKING HOLDINGS INC.; AGODA
COMPANY PTE. LTD.; AGIP LLC;
BOOKING.COM B.V.; BOOKING.COM
(USA) INC., ROCKET TRAVEL, INC., and
MOMONDO A/S,

Defendants.

No. 21-cv-2691-LLS

**STIPULATION TO
(1) CONSOLIDATE THIS ACTION
WITH *THE WAVE STUDIO, LLC V.
GENERAL HOTEL MANAGEMENT
LTD., ET AL.* (CASE NO. 13-CV-
09239-CS); (2) STAY THIS ACTION
PENDING THE RESOLUTION OF
PROCEEDINGS BEFORE THE
SINGAPORE COURT; AND
(3) EXTEND DEFENDANTS'
DEADLINES TO ANSWER OR
OTHERWISE RESPOND TO
COMPLAINT**

WHEREAS, on or around December 31, 2013, Plaintiff The Wave Studio, LLC (“Plaintiff”) filed an action against General Hotel Management Ltd. (“GHM”), and other defendants, in United States District Court for the Southern District of New York, White Plains Division (Judge Cathy Seibel, Case No. 13-cv-09239-CS) (the “GHM Action”), alleging copyright infringement claims;

WHEREAS, on or around July 3, 2014, Judge Seibel stayed the GHM Action as to all other defendants except for GHM (Case No. 13-cv-09239-CS, Dkt. No. 67);

WHEREAS, on March 10, 2017, Judge Seibel issued an Opinion and Order (Case No. 13-cv-09239-CS, Dkt. No. 209) in the GHM Action dismissing the claims against GHM on *forum non conveniens* grounds so the issue of ownership of the copyrights at issue could be litigated before the Singapore court and continuing the stay of all claims of Plaintiff against all other defendants

and the cross-claims against GHM pending the resolution of the action between Plaintiff and GHM before the Singapore court;

WHEREAS, Plaintiff filed additional actions alleging copyright infringement claims involving the same copyrighted works and copyright registrations as in the GHM Action, which are all member or related cases to the GHM Action currently before Judge Seibel (14-cv-08322-CS, 15-cv-03420-CS, 15-cv-04953-CS, 15-cv-05392-CS, 15-cv-05960-CS, 15-cv-05962-CS, 15-cv-06995-CS, 15-cv-07950-CS, and 17-cv-03589-CS), and which are stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court;

WHEREAS, the action between Plaintiff and GHM is still proceeding before the Singapore court and has not yet been resolved;

WHEREAS, on or around March 29, 2021, Plaintiff filed the above-captioned action against defendants Booking Holdings Inc., Agoda Company Pte. Ltd., AGIP LLC, Booking.com B.V., Booking.com (USA) Inc., Rocket Travel, Inc., and Momondo A/S in the United States District Court for the Southern District of New York (Judge Louis L. Stanton, Case No. 21-cv-2691) (the “Booking Holdings Action”), alleging copyright infringement claims involving copyright registrations previously asserted in the GHM Action;

WHEREAS, the current deadlines for the defendants in the Booking Holdings Action to answer or otherwise respond to the complaint in the Booking Holdings Action are as follows: (i) Booking Holdings Inc. and Booking.com (USA) Inc.: May 4, 2021; (ii) AGIP LLC and Rocket Travel, Inc.: May 5, 2021; and (iii) Agoda Company Pte. Ltd., Booking.com B.V., and Momondo A/S: June 25, 2021; and the parties agree that it would promote judicial efficiency to extend such response deadlines in the Booking Holdings Action given this Stipulation, and so that all

defendants in the Booking Holdings Action will share the same deadline to answer or otherwise respond to the complaint; and

WHEREAS, the parties have made no prior requests to extend any deadlines in this action;

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the respective parties hereto, as follows:

1. That the above-captioned action be consolidated with the GHM Action;
2. That the above-captioned action be stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court; and
3. That, if the above-captioned action is (a) consolidated with the GHM Action and stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court, or (b) not consolidated with the GHM Action but stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court, each defendant in the Booking Holdings Action will answer or otherwise respond to Plaintiff's complaint within sixty (60) days of the stay being lifted or as otherwise set by the Court in the GHM Action; in the alternative, if (c) the above-captioned action is not consolidated with the GHM Action and is not stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court, each defendant in the Booking Holdings Action will answer or otherwise respond to Plaintiff's complaint by June 25, 2021.

Dated: New York, New York
May 3, 2021

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**To be admitted Pro Hac Vice
Attorneys for Plaintiff The Wave Studio, LLC*

SO-ORDERED:

Hon. Louis L. Stanton
United States District Judge

Dated: _____